

03-04-08



Docket: P/67-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Roger Gillman, et al.

Examiner: D. Champagne

Serial No.: 09/801,167

Art Unit: 3622

Filing Date: March 7, 2001

Dated: March 3, 2008

For: SYSTEM AND METHOD FOR NETWORKING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

APPEAL BRIEF

Sir:

This is an Appeal from the decision dated October 4, of the Primary Examiner, finally rejecting the claims 1-8.

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I. Real Party in Interest

The real parties in interest are Roger Gillman, residing at 340 E. 93rd Street, Apt. 14 G, New York, NY 10128 and David C. Weiss, residing at 3245 Bertha Drive, Baldwin, NY 11510.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application.

III. Status of Claims

Claims 1-8 are on appeal.

Claims:

1. Rejected (Appealed)
2. Rejected (Appealed)
3. Rejected (Appealed)
4. Rejected (Appealed)
5. Rejected (Appealed)
6. Rejected (Appealed)
7. Rejected (Appealed)
8. Rejected (Appealed)

IV. Status of Amendments

There has been no amendments filed subsequent to the final rejection.

V. Summary of claimed subject matter

The invention relates to a method for providing online networking groups comprising; entering a first person's profile into a computer database; and entering a second person's profile into said computer database. The first person's profile and the second person's profile are compared; the second profile is moved into a second database if the second profile and the first profile contain the same professions and same areas of practice. A networking group is created within the computer database. A second networking group is created within the second database. Networking is done on-line within a networking group wherein the networking includes on-line meetings. (Pg. 2, lines 5-9, lines 12-14, Pg. 3, lines 6-14, Pg. 4, lines 13-15, Pg. 6, lines 7-9, Pg. 7, lines 2-9)

The invention further comprises providing referrals on-line between members in the networking group. (Pg. 6, lines 6-7, Pg. 7, lines 10-11)

The invention further comprises providing rewards or incentives to the members of the networking group who provide the most referrals in the networking group. (Pg. 2, lines 15-17, Pg. 4, lines 11-12, Pg. 7, lines 12-14)

The invention further comprises providing a point system relating to number of the referrals each member in the networking group gives to another member. (Pg. 2, lines 18-20, Pg. 5, lines 1-2, Pg. 7, lines 15-17)

The invention further comprises removing members from the networking group who do not provide referrals to other members in the networking group, or meet a minimum number of referrals. (Pg. 2, lines 21-23, Pg. 5, lines 10-12, Pg. 7, lines 18-20)

The invention further comprises networking online with the members via video or audio conferencing; wherein networking online includes meetings online with the members, the meetings taking place via video or audio conferencing. (Pg. 2, lines 2-4, Pg. 3, lines 21-23, Pg. 7, lines 21-22)

The invention further comprises that the profile comprises name, address, contact information, profession and territory. (Pg. 4, lines 4-8, Pg. 7, line 23-Pg. 8, line 1)

The invention relates to a system for providing online networking comprising a computer database, wherein the database stores profiles of users. The system compares the profiles and creates networking groups. The networking groups do not have any professions or areas of practice being the same within the networking group. Members of the networking group network online, wherein the networking online includes meetings online. (Pg. 2, lines 5-9, lines 12-14, Pg. 3, lines 6-14, Pg. 4, lines 13-15, Pg. 6, lines 7-9, Pg. 8, lines 2-5)

VI. Grounds of rejection to be reviewed on appeal

Whether Claims 1-8 are unpatentable under 35 USC 103 over Boyd (US 20020194049 A1) in view of Romano ("Meet Me in Cyberspace", Association Management, September 1999).

VII. Argument

Rejection under 35 USC 103 over Boyd (US 20020194049 A1) in view of Romano ("Meet Me in Cyberspace", Association Management, September 1999).

Claims 1-8

Boyd relates solely to a system which allows users to send invitations to others to set up a meeting either at a restaurant, golf club, etc. As stated at column 2, paragraph 17, the system allows individuals to schedule a time and place for a meeting for the purpose of business or personal networking. The network meetings are a dinner or a golf outing as stated in paragraph 20. The system of Boyd allows an individual to meet at a specified time and place. Boyd does not teach or make obvious and in fact teaches away from networking online.

The present invention relates to creating online networking groups of professionals, wherein the professions within a networking group do not compete with other professionals within the same networking group. For instance, if there is a doctor (orthopedist), lawyer, (personal injury), beautician, car insurance salesman and auto mechanic within a networking group. If a car insurance salesman tried to join the networking group they would be placed in another networking group where there is not another car insurance salesman. But if a restaurant owner wanted to join this networking group, they could. Boyd specifically teaches that all of the intellectual property attorneys would be in one

group. This goes against the teachings of the claims of the present invention. The present invention teaches a networking group where there is no competition for business among the members of that networking group.

Neither of the references teaches that a first person and a second person compete with each other professionally. Neither reference teaches that persons who compete with each other be put into different networking groups.

Boyd specifically gives examples of people in the same profession networking together. The Examiner had previously stated that it is obvious to separate competitive professionals from a networking group but as shown by Boyd some networking groups allow competitive professions within a networking group.

According to the Examiner, Boyd teaches creating a database wherein within that database the same professions and same areas of practice are placed in the same database, i.e., intellectual property attorneys. Claim 1 specifically states that a second database is created if a profession and area of practice are duplicated in the first database. Therefore, this goes against the teaching of Boyd.

The Examiner states that it would be counterproductive to put competitors into a single networking group. However, Boyd specifically teaches making a group which contains the same professions and same areas of practice such as intellectual property attorneys. There are many networking groups out there today which are created out of the same profession. There are networking

groups that are only for doctors, only for lawyers or only for certain other professions. such as the ones taught by Boyd. However, the current invention teaches away from these types of networking groups and looks to create networking groups when only a single profession is represented in a networking group along with other different professions. Although the Examiner states that the above networking groups are counterproductive many of these groups exist today and in fact the Examiner has pointed to no reasoning why these groups cannot and do not exist.

Therefore, Claim 1 is not obvious over the prior art.

For all the reasons stated above, Claims 2, 5 and 7 are not taught or made obvious by the prior art references.

With regards to Claims 3 and 4, the fact that Boyd teaches negative incentives for a user who does not make invitations, the opposite is not true that Boyd teaches or makes obvious to reward a user who provides referrals. In fact Boyd does not teach referrals at all. Therefore, there is no teaching to provide a positive incentive for referrals.

With regards to Claim 6 since there is no teaching at the time of the invention for networking online and creating network groups for online networking, it could not have been obvious to those of skill in reading Boyd to use video/audio conferences. Boyd in fact teaches in face meetings and therefore teaches the use of video or audio conferencing. Therefore, claim 6 is not anticipated or obvious over the prior art.

With regards to Claim 8, for the reasons stated above for Claim 1, Claim 8 is not obvious over the prior art.

Reversal of the Examiner and allowance of all the claims are accordingly respectfully requested.

A copy of the Brief and our check for \$255.00 are enclosed herewith.

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Date of Deposit: March 3, 2008

I hereby certify that this paper (and any document(s) attached herewith Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on March 3, 2008

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Respectfully submitted,



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RELATED PROCEEDING APPENDIX

None



EVIDENCE APPENDIX

None



CLAIMS APPENDIX



1. A method for providing online networking groups comprising;

entering a first person's profile into a computer database;

entering a second person's profile into said computer database;

comparing said profile and said second profile;

moving said second profile into a second database if said profile and said second profile contain same professions and same areas of practice, creating a networking group contained within said computer database;

creating a networking group contained within said second database;

networking online within a networking group, wherein said networking online includes meeting online.
2. The method of claim 1 further comprising;

providing referrals online between members in said networking group.
3. The method of claim 2 further comprising;

providing rewards or incentives to said members of said networking group who provide most referrals in said networking group.
4. The method of claim 2 further comprising;

providing a point system relating to number of said referrals each member in said networking group gives to another member.

5. The method of claim 2 further comprising;
removing members from said networking group who do not provide referrals to other members in said networking group, or meet a minimum number of referrals.
6. The method of claim 2 further comprising;
networking online with said members via video or audio conferencing; wherein said networking online includes meetings online with said members, said meetings taking place via video or audio conferencing.
7. The method of claim 1 wherein said profiles comprise:
name, address, contact information, profession and territory.
8. A system for providing online networking comprising;
a computer database;
said database storing profiles of users;
said system comparing said profiles and creating networking groups;
said networking groups not having any professions or areas of practice being the same within said networking group;
members of said networking group networking online, wherein said networking online includes meetings online.